

103^D CONGRESS
2^D SESSION

S. 2364

To provide for school bus safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JULY 20), 1994

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for school bus safety, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Bus Safety
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7 As used in this Act—

8 (1) The term “bus” means a motor vehicle with
9 motive power, except a trailer, designed for carrying
10 more than 10 persons.

11 (2) The term “school bus” means a bus that is
12 used for purposes that include carrying pupils to

1 and from public or private school or school-related
2 events on a regular basis, but does not include a
3 transit bus or a school-chartered bus.

4 (3) The term “school-chartered bus” means a
5 bus that is operated under a short-term contract
6 with State or school authorities who have acquired
7 exclusive use of the bus at a fixed charge in order
8 to provide transportation for a group of pupils to a
9 special school-related event.

10 (4) The term “Secretary” means the Secretary
11 of Transportation.

12 **SEC. 3. PROFICIENCY STANDARDS FOR SCHOOL BUS**
13 **DRIVERS.**

14 (a) REQUIREMENT.—Not later than 1 year after the
15 date of enactment of this Act, the Secretary shall prescribe
16 proficiency standards for school bus drivers who are re-
17 quired to possess a commercial driver’s license to operate
18 a school bus.

19 (b) EXEMPTION FOR CERTAIN STATES.—In prescrib-
20 ing proficiency standards under subsection (a), the Sec-
21 retary shall provide that a State may, in lieu of utilizing
22 such proficiency standards, utilize proficiency standards
23 established by the State before the date of the prescription
24 of efficiency standards under subsection (a) if the Sec-
25 retary determines that the standards of the State establish

1 proficiency requirements as rigorous as the proficiency re-
2 quirements established under the standards prescribed
3 under subsection (a).

4 (c) DEMONSTRATION OF PROFICIENCY.—Upon the
5 prescription of standards under subsection (a), each school
6 bus driver referred to in subsection (a) shall demonstrate
7 (at such interval as the Secretary shall prescribe) to the
8 employer of the driver, the school district, the State licens-
9 ing agency, or other person or agency responsible for regu-
10 lating school bus drivers the proficiency of such driver in
11 operating a school bus in accordance with the proficiency
12 standards prescribed under subsection (a) or the pro-
13 ficiency standards established by the State concerned, as
14 the case may be.

15 **SEC. 4. CRIMINAL HISTORY INVESTIGATIONS OF SCHOOL**
16 **BUS DRIVERS.**

17 (a) REQUIREMENT FOR INVESTIGATIONS.—(1) Not-
18 withstanding any other provision of law, a local edu-
19 cational agency may not employ a person as a driver of
20 a school bus of or on behalf of the agency until the agency
21 conducts a background check under procedures that meet
22 the guidelines set forth in section 3(b) of the National
23 Child Protection Act of 1993 (Public Law 103–209; 107
24 Stat. 2491; 42 U.S.C. 5119a(b)).

1 (2) Subject to paragraph (3), the prohibition set forth
 2 in paragraph (1) shall take effect on the date of the enact-
 3 ment of this Act.

4 (b) INTERIM REQUIREMENT.—Prior to the establish-
 5 ment of the procedures referred to in subsection (a)(1),
 6 or a State’s participation in the procedures referred to in
 7 subsection (a)(1), local educational agencies shall request
 8 the Criminal Justice Information Services Division of the
 9 Federal Bureau of Investigation to conduct a fingerprint
 10 based check through its criminal history files, and the Di-
 11 vision shall comply with such a request.

12 (c) DEFINITION.—In this section, the term “local
 13 educational agency” has the meaning given such term in
 14 section 1471(12) of the Elementary and Secondary Edu-
 15 cation Act of 1965 (20 U.S.C. 2891(12)).

16 **SEC. 5. DEVELOPMENT OF INTELLIGENT VEHICLE-HIGH-**
 17 **WAY SYSTEMS FOR SCHOOL BUS SAFETY.**

18 Section 6055(d) of the Intelligent Vehicle-Highway
 19 Systems Act of 1991 (23 U.S.C. 307 note) is amended—

20 (1) by striking “and” at the end of paragraph
 21 (2);

22 (2) by striking the period at the end of para-
 23 graph (3) and inserting “; and”; and

24 (3) by adding at the end the following new
 25 paragraph:

1 “(4) ensure that one or more operational tests
2 advance the use and reduce the cost of intelligent ve-
3 hicle-highway system technologies (including hazard
4 warning systems or sensors) that alert school bus
5 drivers of pedestrians or vehicles in, or approaching,
6 the path of the school bus.”.

7 **SEC. 6. SEAT BELTS IN SCHOOL BUSES.**

8 (a) REQUIREMENT FOR INSTALLATION.—Not later
9 than 1 year after the date of the enactment of this Act,
10 the Secretary shall prescribe regulations that require that
11 driver seat belts and passenger seat belts (including lap
12 safety belts or other child safety devices meeting applica-
13 ble Federal safety standards) be installed for each seating
14 position in any newly manufactured school bus.

15 (b) PROMOTION OF SEAT BELT USAGE.—

16 (1) IN GENERAL.—The Secretary, in consulta-
17 tion with appropriate safety organizations and par-
18 ent-teacher organizations, shall conduct a program
19 to promote and encourage the use of seat belts in
20 school buses.

21 (2) ELEMENTS OF PROGRAM.—In conducting
22 the program required under this subsection, the Sec-
23 retary shall—

1 (A) encourage State and local governments
2 to enact and implement laws requiring manda-
3 tory usage of seat belts in school buses;

4 (B) develop and disseminate educational
5 materials on the importance of using seat belts
6 to passengers and drivers of school buses; and

7 (C) recognize in an appropriate manner
8 school districts that achieve a high level of seat
9 belt usage by passengers and drivers of school
10 buses.

11 **SEC. 7. TRAFFIC ENGINEERING ACTIVITIES TO IMPROVE**
12 **SCHOOL BUS SAFETY.**

13 Notwithstanding any other provision of law, the Sec-
14 retary shall ensure that each State receiving aid to con-
15 duct highway safety programs under section 402(c) of title
16 23, United States Code, shall utilize a portion (as deter-
17 mined by the Secretary) of such aid for the purpose of
18 conducting traffic engineering activities in order to im-
19 prove the safe operation of school buses. The Secretary
20 shall, to the maximum extent practicable, ensure that the
21 total amount utilized by such States for such purpose in
22 any fiscal year shall not be less than \$1,000,000.

1 **SEC. 8. DETERMINATION OF PRACTICABILITY AND FEA-**
2 **SIBILITY OF CERTAIN SAFETY AND ACCESS**
3 **REQUIREMENTS FOR SCHOOL BUSES.**

4 (a) COMMENCEMENT OF RULEMAKING PROCESS.—
5 Not later than 6 months after the date of the enactment
6 of this Act, the Secretary shall begin a rulemaking process
7 to determine the feasibility and practicability of the follow-
8 ing:

9 (1) A requirement for a decrease in the flam-
10 mability of the materials used in the construction of
11 the interiors of school buses.

12 (2) A requirement that individuals, school dis-
13 tricts, or companies that sell in the secondary mar-
14 ket school buses that may be used in interstate com-
15 merce inform purchasers of such buses that such
16 buses may not meet current National Highway
17 Transportation Safety Administration standards or
18 Federal Highway Administration standards with re-
19 spect to such buses.

20 (3) The establishment of construction and de-
21 sign standards for wheelchairs used in the transpor-
22 tation of students in school buses.

23 (b) FINAL RULE.—Not later than 2 years after such
24 date, the Secretary shall promulgate a final rule providing
25 for any requirement or standard referred to in paragraph

1 (1), (2), or (3) of subsection (a) that the Secretary deter-
2 mines to be feasible and practicable.

3 **SEC. 9. DISSEMINATION OF INFORMATION ON SCHOOL BUS**
4 **SAFETY.**

5 (a) DISSEMINATION OF INFORMATION.—In carrying
6 out research on highway safety under section 403 of title
7 23, United States Code, the Secretary, in consultation
8 with the American Automobile Association, State edu-
9 cational agencies, and highway safety organizations,
10 shall—

11 (1) improve the training materials on school
12 bus safety; and

13 (2) improve the distribution and availability of
14 such materials to schools for use by the student
15 safety patrols of such schools and to appropriate law
16 enforcement agencies.

17 (b) FUNDS.—Notwithstanding any other provision of
18 law, of the funds available to the Secretary for research
19 on highway safety and traffic conditions under such sec-
20 tion 403 in each of fiscal years 1995 through 2000,
21 \$100,000 shall be available in each such fiscal year for
22 the purposes of carrying out this section.

23 **SEC. 10. STUDY AND REPORT ON SCHOOL BUS SAFETY.**

24 (a) STUDY.—

1 (1) IN GENERAL.—The Secretary shall carry
2 out a study to determine the following:

3 (A) The extent to which public transit ve-
4 hicles are engaged in school bus operations.

5 (B) The point at which a public transit ve-
6 hicle is sufficiently engaged in such operations
7 as to be considered a school bus for purposes of
8 regulation under Federal law.

9 (C) The differences between school bus op-
10 erations carried out directly by schools or school
11 districts and school bus operations carried out
12 by schools or school districts by contract.

13 (2) AREAS.—The study shall address the dif-
14 ferences between the services and operations referred
15 to in paragraph (1)(C) in terms of—

16 (A) crash injury data;

17 (B) driver and carrier requirements;

18 (C) passenger transportation requirements;

19 (D) bus construction and design standards;

20 (E) Federal and State operating assistance
21 (per passenger/per mile/per hour);

22 (F) total operating costs;

23 (G) Federal and State capital assistance
24 (per passenger/per mile/per hour);

25 (H) total capital costs; and

1 (I) such other factors as the Secretary con-
2 siders appropriate.

3 (b) REPORT.—(1) Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall submit
5 to the committees referred to in paragraph (2) a report
6 on the results of the study carried out under subsection
7 (a).

8 (2) The committees referred to in paragraph (1) are
9 the following:

10 (A) The Committee on Environment and Public
11 Works of the Senate.

12 (B) The Committee on Commerce, Science, and
13 Transportation of the Senate.

14 (C) The Committee on Appropriations of the
15 Senate.

16 (D) The Committee on Public Works and
17 Transportation of the House of Representatives.

18 (E) The Committee on Energy and Commerce
19 of the House of Representatives.

20 (F) The Committee on Appropriations of the
21 House of Representatives.

22 **SEC. 11. ESTABLISHMENT OF MINIMUM REPORTING CRI-**
23 **TERIA FOR HIGHWAY SAFETY PROGRAM ON**
24 **TRAFFIC-RELATED DEATHS AND INJURIES.**

25 The Secretary of Transportation shall—

1 (1) not later than December 31, 1994, issue a
2 notice of proposed rulemaking with respect to the
3 minimum reporting criteria required under the tenth
4 sentence of section 402(a) of title 23, United States
5 Code; and

6 (2) not later than December 31, 1995, and
7 after an opportunity for public comment, issue a
8 final rule establishing such criteria.

9 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated such sums
11 as are necessary to carry out this Act.

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